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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,359	05/22/2000	Kenneth B. Moore	REALNET.104A	1848

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EXAMINER

VU, KIEU D

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 12/23/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/576,359

Applicant(s)

MOORE ET AL.

Examiner

Kieu D Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 12, 14-21 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 12, 14-21, and 25-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This Final Office Action responds to the Amendment filed 09/25/03.
2. Claims 10, 12, 14-21, and 25-32 are pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10, 16-18, 21, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the second information" in line 8. There is insufficient antecedent basis for this limitation in the claim. Claims 16-18 and 31 are rejected on the same rationale since these claims depend on claim 10.

Claim 21 recites the limitation "the method of Claim 12". There is insufficient antecedent basis for this limitation in the claim since claim 12 is an apparatus claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 10, 12, 14-21, and 25-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Alecci et al ("Alecci", USP 6097384).

Regarding claim 10, Alecci teaches steps of defining a class of graphical display objects (data objects, col 3, lines 13-15) which comprises receiving a default definition data structure wherein the default definition data structure includes first information about a default graphical display object (default attributes, col 3, lines 15-18); receiving a first class member definition data structure related to a first graphical display object wherein the first class member definition data structure includes information indicating differences (an attribute in a set of attributes for overriding default attribute) between the default graphical display object and the first graphical display object (col 3, lines 18-20) ; wherein the information excludes the first information (overriding attribute is specified differently from default attribute; see col 7, lines 13-17).

Regarding claim 12, Alecci teaches steps of defining a class of graphical display objects (data objects, col 3, lines 13-15) which comprises receiving a default definition data structure wherein the default definition data structure includes first information about a default graphical display object (default attributes, col 3, lines 15-18); receiving a first class member definition data structure related to a first graphical display object wherein the first class member definition data structure includes second information indicating differences (a first attribute in a set of attributes for overriding default attribute) between the default graphical display object and the first graphical display object (col 3, lines 18-20) ; wherein the second information excludes the first information (overriding attribute is specified differently from default attribute; see col 7, lines 13-17) and

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receiving a second class member definition data structure related to a second graphical display object wherein the second class member definition data structure includes third information indicating differences (a second attribute in a set of attributes for overriding default attribute) between the first graphical display object and the second graphical display object (since Alecci teaches a set of overriding attributes, it is inherent that each overriding attribute is different than the other overriding attributes in the set) ; wherein the third information excludes the first or the second information (overriding attribute is specified differently from default attribute and one overriding attribute is different from another overriding attribute; see col 7, lines 13-17).

Regarding claim 14, Alecci teaches the steps of receiving a default class definition (default attribute) and a first class member definition (one overriding attribute) (col 3, lines 15-18), extracting first data relating to a graphical display object from the default class definition (data of the default attribute), extract second data relating to the graphical display object from the first class member definition (data of one overriding attribute), and determine third data representing only differences between extracted first and second data (overriding attribute), and building the graphical display object by overriding at least a portion of the at least one of the first and second data with the third data (col 3, lines 20-26); and a processor communicatively coupled to the storage medium to execute the instructions (inherent).

Regarding claims 16,19, 25, and 28, Alecci teaches that the graphical display object relates to a graphical user interface object (col 3, lines 13-26).

Regarding claims 17, 20, 26 and 29, Alecci teaches that the graphical user interface object includes windows (Fig. 1).

Regarding claims 18, 21, 27, and 30, Alecci teaches that the default graphic display object is provided by a template (default attributes); and wherein the first and second class definition data structure are provided by file created independent of a media player (col 3, lines 33-37).

Regarding claim 31, Alecci teaches the receiving a second class member definition data structure related to a second graphical display object wherein the second class member definition data structure includes third information indicating differences (a second attribute in a set of attributes for overriding default attribute) between the default graphical display object and the second graphical display object (overriding attribute is different than default attribute); wherein the third information excludes the first or the second information (overriding attribute is specified differently from default attribute and one overriding attribute is different from another overriding attribute; see col 7, lines 13-17).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alecci and Acton et al ("Acton", USP 6628301).

Regarding claim 32, Alecci does not teach that the media player is an audio player. However, such feature is known in the art as taught by Acton. Acton teaches the updating attributes (col 11, lines 12-14) in a frame work for tuning to programming sources in an audio and video rendering system (col 2, lines 45-57). It would have been obvious to one of ordinary skill in the art, having the teaching of Alecci and Acton before him at the time the invention was made, to modify the attribute overriding method taught by Alecci to include the audio player taught by Acton so that the Alecci's method can be used in audio interface.

9. Applicant's arguments filed 09/25/03 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-872-9306

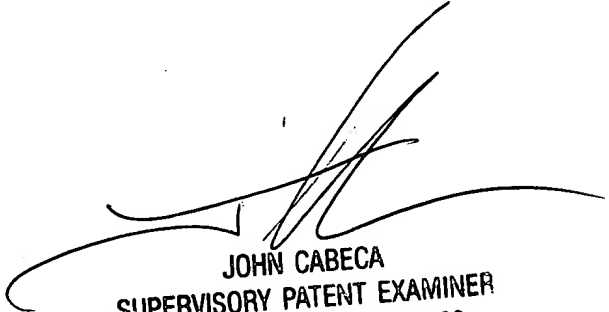
and / or:

(703)-746-5639 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

12/12/03.



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100